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Noes—36.

Sri S. Swayamprakasam.
,, A. Ratnam.
,, S. Deivasigamany.
,, N. Rathina Gounder.
,, M.P. Subramaniam.
,, K. R. Sambandam.
,, P. Rangaswami Reddiar.
,, T. Shanmugam.
,, A. Govindaswamy Nayagar.
,, A. Senapathi Gounder.
,, D. Krishnamurthi Gounder.
,, A. Veloo.
Dr. K. B. Menon.
Sri M. Narayana Kurup.
,, K. T. Sridharan.
,, C. Kunhirama Kurup.
,, M. Palaniyandi.
,, M. Narayana Nambiar.
Sri N. Paramasiva Udayar.
,, P. Kunhirama Kidav.
,, O. Koran.
,, C. Velukkan.
,, P. Ramamurthi.
,, K. T. Raju.
,, S. Ramalingam.
,, S. Vadivelu.
,, K. C. Gopalan Unni.
,, V. Madanagopal.
,, N. Sivaraj.
,, A. K. Subbiah.
,, K. V. Ramaswami.
,, T. S. Ardhanari.
,, K. Madhavan Nambiar.
,, E. T. Kunhan.
,, C. H. Kanaran.
,, R. Krishnan.

Neutral—Nil.

Ayes—47; Noes—36; Neutral—*Nil.*

The motion was carried.

Clauses 5 to 10 and clause 1 and the Preamble were then each separately put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER:—" Sir, I move— 4-10 p.m.

'*That the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill*, 1954, *be passed into law*.' "

The motion was put and carried and the Bill was passed into law.

IV.—GOVERNMENT MOTION—*cont.*

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM:—" Sir, I move—

'*That the Indian Bar Councils (Madras Amendment) Bill*, 1954, *be taken up first instead of the Madras Tenants and Ryots Protection (Amendment) Bill*, 1954.' "

The motion was put and carried.

III.—GOVERNMENT BILLS—*cont.*

(5) THE INDIAN BAR COUNCILS (MADRAS AMENDMENT) BILL, 1954.

THE HON. SRI C. SUBRAMANIAM:—" Sir, I beg to introduce the Indian Bar Councils (Madras Amendment) Bill[a], 1954, and move—

'*That the Bill be taken into consideration at once.*'

Sir, this is a very harmless and innocent Bill which is also considered necessary. In view of the fact that a separate High Court has been set up for the Andhra State from the 5th July 1954, in

[a] Published in *the Fort St. George Gazette* Extraordinary, dated 6th December 1954.

respect of the election of members to the Bar Council by the members of the Bar, we have to make a distinction between persons who are ordinarily residing and practising in the Andhra area and those who are ordinarily residing and practising in the Madras State. This is the purpose of the Bill. According to this, persons who are ordinarily residing in the Andhra State will be debarred from the Madras Bar Council. There is nothing else in the Bill. We are also saying that there will be no bar against those residing in Andhra area to practise in the Madras High Court. The Andhra Bar Council has also been formed and the advocates ordinarily residing and practising in the State of Andhra can elect the members to the Andhra Bar Council. I hope the House will accept the motion."

MR. SPEAKER :—" Motion moved—

'That the Indian Bar Councils (Madras Amendment) Bill, 1954, be taken into consideration at once.' "

* SRI M. NARAYANA KURUP :—" I think there will be one difficulty. I went through the Statement of Objects and Reasons relating to this Bill. I find that the Andhra High Court has a list of the advocates practising in the Andhra High Court, but I don't find any list attached to this Bill. So, the expression, ' ordinarily residing and practising in the State of Madras ' will have to be carefully interpreted. If the list of voters, i.e., the list of advocates who are entitled to exercise their franchise is not made definite, there will be trouble in future. Suppose an advocate was not allowed to vote; there may be confusion and he may even prefer an election petition that he was ordinarily residing within the State of Madras and so he ought to have been allowed to vote. If there was a clear list of advocates, then there will be no trouble. I do not know whether my apprehension is well-founded or unfounded. Anyway, I would like the Hon. the Law Minister to explain the position."

SRI P. RAMAMURTHI :—" I suppose the members belonging to this profession will not prefer election petitions in respect of the Bar Council elections."

THE HON. SRI C. SUBRAMANIAM :—" We can only lay down the principle in a legislation like this. We cannot give a list of members of the profession who are entitled to vote. It is not possible and it is also not the practice to attach such lists to Bills."

* SRI M. NARAYANA KURUP :—" In respect of other elections, a certain procedure is laid down and followed. The preliminary list of voters is published, objections are invited and then the final list is prepared. I have not gone through the Bar Council Act and so I do not know whether such a procedure is laid down in it. Unless the preliminary list of voters is published, objections are called for and the list is finalised after proper scrutiny, there is no meaning in the present provision. If some such procedure is laid down, it will be all right. In the absence of any such procedure I apprehend some trouble."

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MR. SPEAKER :—" The question is—

'That the Indian Bar Councils (Madras Amendment) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

Clause 2.

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, in the new Section 4-A that is sought to be introduced it is said that 'No advocate entered in the roll of advocates of the Madras High Court, who, on or after the 5th July 1954, is not ordinarily residing and practising in Courts in the State of Madras shall be entitled to vote . . .' 'Ordinary residence' will have to be considered with reference to a particular period. If a person says that he was residing here for one day, it cannot be taken that he was 'ordinarily residing' here. So, I think it will be better if we say 'from 5th July 1954' instead of 'on or after 5th July 1954'. It is only a suggestion and if the Hon. the Law Minister agrees to the suggestion, he may accept it."

SRI K. PARTHASARATHY :—" Sir, in the new Section 4-A that is sought to be introduced the wording 'ordinarily residing and practising in Courts in the State of Madras' is used. Now, we know that persons whose names are found on the roll of the Madras High Court are entitled to vote in the elections to the Bar Council. According to this, I think it is not necessary that a person should be actually practising on the date. If for some reason or other he was not practising at the time of election, he should not be prevented from exercising his franchise. My submission therefore is that the conditions that a person should be ordinarily residing within the State of Madras and should also be ordinarily practising in Courts in the State of Madras are rather too much. I think that the only condition that can be enforced is that a person should ordinarily reside within the State of Madras to become entitled to vote. Persons whose names are found on the roll of advocates of the Madras High Court and who are ordinarily residing in the State of Madras but who may not actually be practising in Courts in the State of Madras should not be prevented from voting. My view is that such people should not be deprived of their right to vote. I request that suitable amendments may be incorporated to enable such people also to take part in the voting."

* SRI S. SWAYAMPRAKASAM :—" Sir, I do not see any reason why hon. Member Sri Parthasarathy wants that even those persons who are not practising must be entitled to vote. The intention is to allow only those who are ordinarily residing and practising in courts in the State of Madras. There is no point in giving franchise to those who do not practise even though they may be qualified lawyers."

THE HON. SRI C. SUBRAMANIAM :—" There are two points to be considered. As for Sri Krishnaswami Ayyangar's point, it is not possible to accept his suggestion. Because, about 200 lawyers

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have migrated from Madras to Guntur after the establishment of the Andhra High Court in Guntur. They have been moving between Guntur and Madras and have not yet settled down in Guntur. Their ordinary residence in Guntur will have to be taken into consideration. That is why the present language, viz., ' on or after the 5th July 1954 ' is used.

4-20 p.m. " After all, I am sure, they will ask for their own declaration whether they are resident and practising there. Some such convention will be followed and there will not be any difficulty about that.

" Sir, with reference to the points raised by the hon. Member Sri Parthasarathy, now there is a separate roll for Andhra High Court advocates. A person who wants ordinarily to practise before that High Court will enrol himself there. That is why both the conditions are put here. ' Ordinarily practising ' does not mean that he should actually practise. It only means he intends ordinarily to practise. Sir, a lawyer can be a lawyer even without practising. ' Ordinarily practising ' does not mean that he should be getting cases and appearing before courts. The intention is there, whether he wants to be a lawyer of the Madras High Court and enrol himself there or whether he wants to be a lawyer of the Andhra High Court and enrol himself there. That is why this language has been used. That won't create any difficulties."

Sri P. RAMAMURTHI :—" I would request the Hon. Minister to answer only one question. What happens in the case of those who are anxious to practise and do not get practice? "

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 1 and the Preamble were put and carried.

The Hon. Sri C. SUBRAMANIAM :—" Sir, I move—

' *That the Indian Bar Councils (Madras Amendment) Bill, 1954, be passed into law.*' "

Mr. SPEAKER :—" The question is—

' That the Indian Bar Councils (Madras Amendment) Bill, 1954, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

Mr. SPEAKER :—" Is it the desire of the House to adjourn now? Then what about the half-hour debate about the allotment of lands to Harijans in Kodaikanal? "

The Hon. Sri C. SUBRAMANIAM :—" The Hon. Minister is not prepared for it, Sir."

Mr. SPEAKER :—" Shall we have it day after tomorrow? "

Sri P. RANGASWAMI REDDIAR :—" Day after tomorrow is a non-official day, Sir."

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MR. SPEAKER :—" We will take it up only after 5 p.m."

SRI A. RATNAM :—" கனம் சபாநாயகர் அவர்களே, சேலம் ஜில்லா வேப்பிலைப்பட்டி கிராமம் சம்பந்தமாக ஒரு அரைமணி நேர விவாதம் கேட்டிருந்தேன். அதை இப்பொழுது எடுத்துக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER :—" அதை எடுத்துக்கொள்வதற்கு கனம் மந்திரி அவர்கள் தயாராக இருக்கிறாரோ தெரியவில்லை. அது ஜில்லாவில் ஹரிஜன விஷயத்தைப்பற்றியது

" The Hon. Minister is not prepared for it. Now I wish to make an announcement. Tomorrow we will not have the afternoon session because, the Select Committee on the Dramatic Performances Bill will be sitting in the afternoon.

" The House will now adjourn and meet again at 11 a.m. tomorrow."

The House then adjourned.

TAMIL NADU LEGISLATIVE ASSEMBLY
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TRUTH ALONE TRIUMPHS